

1:08-cv-04063-JGK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/23/2008
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PLUMBERS AND PIPEFITTERS LOCAL :  
UNION NO. 630 PENSION-ANNUITY :  
TRUST FUND, Individually and On Behalf of :  
All Others Similarly Situated, :  
Plaintiff, :  
vs. :  
ARBITRON, INC., et al., :  
Defendants. :  
\_\_\_\_\_ x

Civil Action No. 1:08-cv-04063-JGK  
CLASS ACTION  
STIPULATION AND ~~PROPOSED~~ ORDER  
APPOINTING LEAD PLAINTIFF AND  
APPROVAL OF SELECTION OF LEAD  
COUNSEL

WHEREAS, on June 30, 2008, within 60 days of the publication of notice on April 30, 2008, in accordance with Section 21D(a)(3)(A)(i) of the Securities Exchange Act of 1934 (*see* 15 U.S.C. § 78u-4(a)(3)(A)(i)), institutional investor Plumbers and Pipefitters Local Union No. 630 Pension-Annuity Trust Fund ("Plumbers and Pipefitters Trust Fund"), timely filed a Motion for Appointment as Lead Plaintiff and for Approval of Selection of Lead Counsel (the "Motion") pursuant to Securities Exchange Act § 21D(b);

WHEREAS no other member of the putative class has submitted a motion seeking appointment as Lead Plaintiff or opposed Plumber and Pipefitters Trust Fund's Motion;

WHEREAS, as far as counsel for plaintiff and defendants are aware, no other class actions alleging similar claims against any of the defendants has been filed by any purported class member besides Plumbers and Pipefitters Trust Fund;

WHEREAS, because no other purported class members have filed suit against any of the defendants, nor have any purported class members opposed the Motion, the statutory presumptions found in Section 21D(a)(3)(B)(iii)(I)(aa)-(cc) should apply to Plumbers and Pipefitters Trust Fund (15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(aa)-(cc));

WHEREAS, as defendants in cases of this type do not usually take a position with respect to the appointment of the Lead Plaintiff and Lead Counsel, defendants respectfully take no position on the issues raised by the Motion except to note that defendants preserve all rights to challenge the filing of this action and all rights to raise challenges pursuant to Rule 23 of the Federal Rules of Civil Procedure;

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel, subject to the approval of the Court, that:

1. Plumbers and Pipefitters Trust Fund shall be, and hereby is, appointed Lead Plaintiff

2. The law firm of Coughlin Stoia Geller Rudman & Robbins LLP shall be, and hereby is, appointed Lead Counsel.

DATED: July 14, 2008

COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
SAMUEL H. RUDMAN  
DAVID A. ROSENFELD  
MARIO ALBA JR.

  
\_\_\_\_\_  
DAVID A. ROSENFELD

58 South Service Road, Suite 200  
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[Proposed] Lead Counsel for Plaintiff

DATED: July 14, 2008

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
BILL NOVOMISLE

  
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BILL NOVOMISLE

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75 E. 55th Street  
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Counsel for Defendants

*So ordered.*

*26/Keller*  
*4.5 D. J.*

*7/19/08*